

EXHIBIT R



Gmail

RE: [EXTERNAL] Re: United States v. Edward Constantinescu- Disclosure of Timestamp Issue

Tue, Oct 3, 2023 at 10:06 AM

Cc: "Carter III, Thomas (USATXS)" <Thomas.Carter.III@usdoj.gov>, "Liolos, John (CRM)" <John.Liolos@usdoj.gov>, Matthew Aaron <mford@fordobrien.com>, Steve Halpin <shalpin@fordobrien.com>

We have clarified and have explained. Please read our responses, if you haven't already. Again, if you have a question about a specific document, let us know. Otherwise, further discussion of this issue will not be fruitful.

Sent: Tuesday, October 3, 2023 10:01 AM

Cc: Carter III, Thomas (USATXS) <TCarter2@usa.doj.gov>; Liolos, John (CRM) <John.Liolos@usdoj.gov>; Matthew Aaron <mford@fordobrien.com>; Steve Halpin <shalpin@fordobrien.com>

Subject: Re: [EXTERNAL] Re: United States v. Edward Constantinescu- Disclosure of Timestamp Issue

Scott,

You are wrong--we don't have "all the information" at our disposal. We need you to properly disclose what the issue is with the timestamps so we can decide whether it is worth believing your assurance that the issue "will not be relevant." I'm not sure why the Government is so scared to tell us what your agent meant in his email when he told you that there was an issue with the timestamps--he certainly thought it was relevant enough to highlight for you. If it isn't relevant, why not clarify the issue for us?

Jamie

On Tue, Oct 3, 2023 at 9:30AM Armstrong, Scott (CRM) <Scott.Armstrong@usdoj.gov> wrote:

Jamie,

I have no reason to believe any files are “affected.” But I’m not going to spend my time going through discovery to run down an issue that will not be relevant at trial. If you would like to spend your time doing that, you may and you have all the information at your disposal to do so.

Best,

Scott

From: Jamie Hoxie Solano <jsolano@fordobrien.com>
Sent: Tuesday, October 3, 2023 9:28 AM
To: Armstrong, Scott (CRM) <Scott.Armstrong@usdoj.gov>
Cc: Carter III, Thomas (USATXS) <TCarter2@usa.doj.gov>; Liolos, John (CRM) <John.Liolos@usdoj.gov>; Matthew Aaron <mford@fordobrien.com>; Steve Halpin <shalpin@fordobrien.com>
Subject: Re: [EXTERNAL] Re: United States v. Edward Constantinescu- Disclosure of Timestamp Issue

Scott,

I'll deduce from your response that you did produce material to us that is affected by the time stamp issue. So please disclose what that issue is and let us know what files are affected.

Jamie

Sent from my iPhone

On Oct 3, 2023, at 9:14 AM, Armstrong, Scott (CRM) <Scott.Armstrong@usdoj.gov> wrote:

If you have any questions about a specific document, please let us know. You have the underlying records, including the text files, and the processed materials.

From: Jamie Hoxie Solano <jsolano@fordobrien.com>
Sent: Tuesday, October 3, 2023 7:31 AM
To: Armstrong, Scott (CRM) <Scott.Armstrong@usdoj.gov>
Cc: Carter III, Thomas (USATXS) <TCarter2@usa.doj.gov>; Liolos, John (CRM) <John.Liolos@usdoj.gov>; Matthew Aaron <mford@fordobrien.com>; Steve Halpin <shalpin@fordobrien.com>
Subject: Re: [EXTERNAL] Re: United States v. Edward Constantinescu- Disclosure of Timestamp Issue

Good morning,

I'm following up with the below. Can you please let us know? If you'd prefer to get on a call, let me know. We've waited a while for this information.

Thanks,

Jamie

Sent from my iPhone

On Sep 29, 2023, at 1:52 PM, Jamie Hoxie Solano <jsolano@fordobrien.com> wrote:

Scott,

Can you please also confirm, just so we are clear, that whatever came from the Axiom tool that has the timestamp issue was not produced in discovery? If it was produced in discovery, please identify what those records are.

Thanks,

Jamie

On Fri, Sep 29, 2023 at 12:57 PM Armstrong, Scott (CRM) <Scott.Armstrong@usdoj.gov> wrote:

Counsel,

Axiom is an automated program that was used by Mr. Varani for a preliminary and initial review of the twitter search-warrant returns. Mr. Varani did not use the Axiom program for processing the search-warrant returns that were produced to you in discovery. Nor will Mr. Varani be testifying at trial about anything related to the Axiom tool. As to these points, I would refer you to Mr. Varani's June 15, 2023 disclosure relating to this work as it relates to the Discord and Twitter materials we will introduce at trial.

To the extent you have any questions about the timestamps of either the Discord or Twitter production, I would refer you to original text files, as indicated in Mr. Varani's September 27, 2022 email.

Best,

Scott

From: Armstrong, Scott (CRM)
Sent: Tuesday, September 26, 2023 2:45 PM
To: Jamie Hoxie Solano <jsolano@fordobrien.com>; Carter III, Thomas (USATXS) <TCarter2@usa.doj.gov>; Liolos, John (CRM) <John.Liolos@usdoj.gov>
Cc: Matthew Aaron <mford@fordobrien.com>; Steve Halpin <shalpin@fordobrien.com>

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Planning to get to this by week's end.

From: Jamie Hoxie Solano <jsolano@fordobrien.com>
Sent: Tuesday, September 26, 2023 10:16 AM
To: Carter III, Thomas (USATXS) <TCarter2@usa.doj.gov>; Liolos, John (CRM) <John.Liolos@usdoj.gov>; Armstrong, Scott (CRM) <Scott.Armstrong@usdoj.gov>
Cc: Matthew Aaron <mford@fordobrien.com>; Steve Halpin <shalpin@fordobrien.com>
Subject: [EXTERNAL] Re: United States v. Edward Constantinescu- Disclosure of Timestamp Issue

Good morning,

It has been two weeks so I'm checking in on this. When will the government be prepared to explain the timestamp issue? This would seem to be something that shouldn't need the Court's intervention for you to disclose.

Thanks,

Jamie

On Wed, Sep 13, 2023 at 12:38 PM Jamie Hoxie Solano <jsolano@fordobrien.com> wrote:

Counsel:

Please see the attached correspondence.

Best,

Jamie

Jamie Hoxie Solano

Partner

Ford O'Brien Landy LLP

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[New York, NY 10016](#)

[212-858-0040](#)

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